

**MINUTES OF THE  
HOUSE JUDICIARY  
STANDING COMMITTEE**

Tuesday, February 7, 2017 • 3:40 pm • 20 House Building

**Members Present:**

Rep. Mike K. McKell, Chair  
Rep. V. Lowry Snow, Vice Chair  
Rep. Kim F. Coleman  
Rep. Bruce R. Cutler  
Rep. Brian M. Greene  
Rep. Ken Ivory  
Rep. Karianne Lisonbee  
Rep. Dixon M. Pitcher  
Rep. Susan Pulsipher

Rep. Tim Quinn  
Rep. Mark A. Wheatley

**Members Absent:**

Rep. Brian S. King

**Staff Present:**

Mr. Joseph T. Wade, Policy Analyst  
Mr. Steve Benard, Committee Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [le.utah.gov](http://le.utah.gov).

Vice Chair Lowry Snow called the meeting to order at 3:47 p.m.

**MOTION:** Rep. Greene moved to approve the minutes of the February 3, 2017, meeting. The motion passed with a vote of 8-0-4.

Yeas:

Rep. K. Coleman  
Rep. B. Cutler  
Rep. B. Greene  
Rep. K. Lisonbee  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

Nays:

Abs:

Rep. K. Ivory  
Rep. B. King  
Rep. M. McKell  
Rep. D. Pitcher

**1. H.B. 214 Probate Code Amendments (*Miles, K.*)**

Rep. Kelly B. Miles presented the bill.

**MOTION:** Rep. Cutler moved to amend H.B. 214 with Amendment #1.

*1. Page 1, Line 18:*

18 • providing sanctions for not honoring a conservator's or guardian's authority; and

2. *Page 8, Lines 230 through 231:*

230 may request the conservator to expend the ward's estate by payment to third persons or  
231 institutions for the ward's care and maintenance.

**(6) A person who refuses to accept the authority of a guardian with authority over financial decisions to transact business with the assets of the protected person after receiving a certified copy of letters of guardianship is liable for costs, expenses, attorney fees, and damages if the court determines that the person did not act in good faith in refusing to accept the authority of the guardian.**

The motion passed with a vote of 10-0-2.

Yeas:

Rep. K. Coleman  
Rep. B. Cutler  
Rep. B. Greene  
Rep. K. Ivory  
Rep. K. Lisonbee  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

Nays:

Abs:

Rep. B. King  
Rep. M. McKell

**MOTION:** Rep. Lisonbee moved to report a favorable recommendation on H.B. 214, as amended. The motion passed with a vote of 10-0-2.

Yeas:

Rep. K. Coleman  
Rep. B. Cutler  
Rep. B. Greene  
Rep. K. Ivory  
Rep. K. Lisonbee  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

Nays:

Abs:

Rep. B. King  
Rep. M. McKell

**2. H.B. 198 Concealed Carry Amendments (*Lisonbee, K.*)**

Rep. Karianne Lisonbee presented the bill with the assistance of Hannah Coleman

Alexander Holt spoke in favor of the bill.

Edwin Rutan, Utah Gun Safety Coalition, spoke in opposition to the bill.

Connor Boyack, Libertas Institute, spoke in favor of the bill.

Dr. Ellen Brady spoke in opposition to the bill.

Kyler Atkinson spoke in favor of the bill.

Nancy Halden, Gun Violence Prevention Center of Utah, spoke in opposition to the bill.

Curtis Oda spoke in favor of the bill.

Jenn Oxborrow, Executive Director, Utah Domestic Violence Coalition, spoke in opposition to the bill.

Art Tom, National Rifle Association in Utah, spoke in favor of the bill.

Maryann Christensen, Executive Director, Utah Eagle Forum, spoke in favor of the bill.

Clark Aposhion, Utah Shooting Sports Council, spoke in favor of the bill.

**MOTION:** Rep. McKell moved to report a favorable recommendation on H.B. 198. The motion passed with a vote of 10-1-1.

Yeas:

Nays:

Abs:

Rep. K. Coleman  
Rep. B. Cutler  
Rep. B. Greene  
Rep. K. Ivory  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow

Rep. M. Wheatley

Rep. B. King

**3. H.B. 209 Administration of Medication to Students Amendment (*McKell, M.*)**

Rep. Mike K. McKell presented 1st Substitute H.B. 209.

Mark Brinton, Utah Medical Association, spoke in favor of the bill.

**MOTION:** Rep. McKell moved to adopt 1st Substitute H.B. 209. The motion passed with a vote of 10-0-2.

Yeas:

Nays:

Abs:

Rep. B. Cutler  
Rep. B. Greene  
Rep. K. Ivory  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

Rep. K. Coleman  
Rep. B. King

**MOTION:** Rep. McKell moved to report a favorable recommendation on 1st Substitute H.B. 209. The motion passed with a vote of 10-0-2.

Yeas:

Nays:

Abs:

Rep. B. Cutler  
Rep. B. Greene  
Rep. K. Ivory  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

Rep. K. Coleman  
Rep. B. King

**MOTION:** Rep. McKell moved to place 1st Substitute H.B. 209 on the Consent Calendar. The motion passed with a vote of 10-0-2.

Yeas:

Nays:

Abs:

Rep. B. Cutler  
Rep. B. Greene  
Rep. K. Ivory  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

Rep. K. Coleman  
Rep. B. King

Chair Michael McKell assumed the chair.

**4. H.B. 99 Bigamy Offense Amendments (Noel, M.)**

Rep. Michael E. Noel presented 1st Substitute H.B. 99 with the assistance of Parker Douglas, Office of the Attorney General.

LuAnn Cooper spoke in favor of the bill.

Connor Boyack, Libertas Institute, spoke in opposition to the bill.

Jessica Christensen spoke in favor of the bill.

Joe Darger spoke in opposition to the bill.

Julia Adkison spoke in favor of the bill.

Valerie Kelch Darger spoke in opposition to the bill.

**MOTION:** Rep. Cutler moved to adopt 1st Substitute H.B. 99.

Yeas:

Rep. K. Coleman  
Rep. B. Cutler  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

Nays:

Rep. B. Greene  
Rep. K. Ivory

Abs:

Rep. B. King  
Rep. D. Pitcher

**SUBSTITUTE MOTION:** Rep. Greene moved to amend H.B. 99 with Amendment #4.

1. *Page 2, Lines 28 through 30:*

28 (2) Bigamy is prohibited within the state and is a { third degree felony  
-} class A misdemeanor [of the third degree].

29 (3) It ~~shall be~~ is a defense to bigamy that the accused reasonably believed [he] the  
30 accused and the other person were legally eligible to { ~~remarry~~ marry .

(4) Bigamy is a secondary offense and may only be prosecuted if one or more of the following is a primary charge:

(a) inducing marriage under false pretenses;

(b) fraud;

(c) domestic abuse;

(d) child abuse;

(e) sexual abuse;

(f) human trafficking; or

(g) human smuggling.

(5) If a person is convicted of bigamy and any offense under Subsection (4), the penalty for both offenses shall be enhanced by one degree.

The motion failed with a vote of 1-9-2.

Yeas:

Rep. B. Greene

Nays:

Rep. K. Coleman  
Rep. B. Cutler  
Rep. K. Ivory  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

Abs:

Rep. B. King  
Rep. D. Pitcher

**SUBSTITUTE MOTION:** Rep. Ivory moved to replace H.B. 99 with 1st Substitute H.B. 99 with Amendment #1.

1. Page 2, Line 28:

28 (2) Bigamy is a { ~~third degree felony~~ class A misdemeanor [of the third degree].

The motion failed with a vote of 2-8-2.

Yeas:

Rep. B. Greene  
Rep. K. Ivory

Nays:

Rep. K. Coleman  
Rep. B. Cutler  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

Abs:

Rep. B. King  
Rep. D. Pitcher

Rep. Cutler's motion to adopt 1st Substitute H.B. 99 passed with a vote of 8-2-2.  
Voting in the affirmative were: McKell M, Snow V L, Coleman K, Cutler B R, Lisonbee K, Pulsipher S, Quinn T, Wheatley M  
voting in the negative were: Greene B, Ivory K  
absent or not voting were: King Brian S, Pitcher D

**MOTION:** Rep. Snow moved to amend 1st substitute H.B. 99 with Amendment #2.

1. Page 2, Lines 41 through 44:

41 (b) the accused is a person who, under reasonable fear of coercion or bodily harm,  
left

42 a bigamous relationship as defined in Subsection (1); { ~~or~~ }

43 (c) the accused is a minor who left a bigamous relationship as defined in Subsection

44 (1) { }. ; or

(d) the accused has taken steps to protect the safety and welfare of any minor  
child of a bigamous relationship.

The motion passed with a vote of 10-0-2.

Yeas:

Nays:

Abs:

Rep. K. Coleman

Rep. B. Cutler

Rep. B. Greene

Rep. K. Ivory

Rep. K. Lisonbee

Rep. M. McKell

Rep. S. Pulsipher

Rep. T. Quinn

Rep. V. Snow

Rep. M. Wheatley

Rep. B. King

Rep. D. Pitcher

**MOTION:** Rep. Cutler moved to report a favorable recommendation on 1st Substitute  
H.B. 99, as amended. The motion passed with a vote of 7-3-2.

Yeas:

Nays:

Abs:

Rep. K. Coleman

Rep. B. Cutler

Rep. K. Lisonbee

Rep. M. McKell

Rep. S. Pulsipher

Rep. V. Snow

Rep. M. Wheatley

Rep. B. Greene

Rep. K. Ivory

Rep. T. Quinn

Rep. B. King

Rep. D. Pitcher

**5. H.B. 197 Custody and Adoption Amendments (*Hawkes, T.*)**

Rep. Timothy D. Hawkes presented the bill.

Dan Deuel, National Parents Organization of Utah, spoke against the bill.

Stewart Ralphs, Legal Aid Society, spoke to the bill.

Iris Marie Toone spoke in favor of the bill.

Dr. DaVon Toone spoke in favor of the bill.

**MOTION:** Rep. Lisonbee moved to hold H.B. 197. The motion passed with a vote of 8-2-2.

Yeas:

Rep. K. Coleman  
Rep. B. Greene  
Rep. K. Ivory  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. S. Pulsipher  
Rep. V. Snow  
Rep. M. Wheatley

Nays:

Rep. B. Cutler  
Rep. T. Quinn

Abs:

Rep. B. King  
Rep. D. Pitcher

**MOTION:** Rep. Coleman moved to adjourn. The motion passed with a vote of 10-0-2.

Yeas:

Rep. K. Coleman  
Rep. B. Cutler  
Rep. B. Greene  
Rep. K. Ivory  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. S. Pulsipher  
Rep. T. Quinn  
Rep. V. Snow  
Rep. M. Wheatley

Nays:

Abs:

Rep. B. King  
Rep. D. Pitcher

Chair McKell adjourned the meeting at 7:25 p.m.

---

Michael K. McKell, Chair